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PATENT TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

TULLER, Jeffrey Todd, et al.

Serial No.: Filed herewith

Filed: Filed herewith

For: ABDOMINAL EXERCISE MACHINE

10971 U.S. PTO
09/923469
08/06/01

Box PATENT APPLICATION
Assistant Commissioner for Patents
Washington, D.C. 20231

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PETITION TO MAKE SPECIAL

It is respectfully requested that the above-identified application submitted concurrently herewith be made special on the basis of MPEP, Section 708.02, Item VIII, Special Examining Procedure for Certain New Applications - Accelerated Examination. The fee under 37CFR1.17(i) to make this application special of \$130.00 is submitted with the new application fee, and is enclosed herewith.

A preliminary patentability search has been performed.

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THE SEARCH

The preliminary patentability search conducted at the Patent and Trademark Office was directed to a field of search encompassing the following patent class: Class 482, Subclasses 121, 125, 126, 112 and 140.

Enclosed and listed below are copies of the following patents uncovered by the search.

<u>PATENT NUMBER</u>	<u>INVENTOR</u>	<u>DATE OF ISSUE</u>
Des. 242,936	Docic	January 4, 1977
4,603,858	Reehill	August 5, 1986
Des. 292,427	Baburek	October 20, 1987
4,861,022	Boatcallie	August 29, 1989
5,071,119	Johnson	December 10, 1991
5,176,622	Anderson et al.	January 5, 1993
5,224,914	Friedman	July 6, 1993
5,413,548	Hoffman	May 9, 1995
5,492,520	Brown	February 20, 1996
5,669,862	Sayman	September 23, 1997
Des. 392,004	Van Der Hoeven	March 10, 1998
5,759,138	Boland	June 2, 1998
5,851,167	Li	December 22, 1998
5,853,357	Jones, Jr.	December 29, 1998
5,891,005	Drukarov	April 6, 1999
5,964,685	Boland	October 12, 1999
Des. 420,070	Zarillo et al.	February 1, 2000
6,053,851	Tu	April 25, 2000
6,056,676	Adams	May 2, 2000
6,080,090	Taylor et al.	June 27, 2000

Boland, U.S. Patent No. 5,964,685

This reference is directed to an abdominals and arms muscles exercise. The device is designed to be used on the lap of the individual for conditioning the abdominal and arm muscles. Referring to the Figures, the device 22 is lap supported with a linear pair of sidewall members 24, an elongate cross-member 26 with terminal upswept handles 28. A lower elongate cross bar 32 is tucked into the user's lap and the upstanding pair of support members 30 extends to a cross bar 34 which rests against the upper torso of the individual using the device. In practice, the user is seated on a chair 38 such as is seen in Figure 1. Boland, U.S. Patent No. 5,759,138 is another patent directed to this device.

Li, U.S. Patent No. 5,851,167

This reference is directed to an exerciser that is used to improve the muscles and may be used in various ways, including a sitting position such as is seen in Figure 7. The device comprises an elastic ring 20 that extends from an elastic flexible rod 22 along with one spiral ring 24 and two pairs of grips 26 and 28. The device may be used for muscular strengths of the arms by pushing and pulling the grip pairs as seen in Figure 7. Other uses are also shown.

Adams, U.S. Patent No. 6,056,676

This reference is directed to an exercise device and a method of using the same. The device is designed to facilitate the strengthening of abdominal and back muscles and includes a resistance member that is coupled between a lap engageable base and an arm positioning member. The device 20 includes a lap engaging frame 20 with an annular rim member 21 that is adapted to rest on the lap of the user. The tubular central support or cross member 22 extends between and is affixed to opposite sides of the rim member 21 to support a pair of curved thigh brace members 30 and 32. The thigh brace members 30 and 32 are adapted to engage and bear forcibly against the inner thighs of user 2. Resistance member 40 is provided between the lap engaging frame 20 and the hand brace members 55 and 57. The resistance that is indicated by the double-headed arrows seen in Figure 6 and Figure 7 are similar to the resistance indication seen in your disclosure material.

Johnson, U.S. Patent No. 5,071,119

This reference is directed to an abdominal exercise device for use by a person sitting on a chair, and specifically addresses the concern of not over-exercising the hip flexor muscles. Referring to the Figures, the device 10 comprises a horizontal push bar 12 and a vertical column including a resistive force generating means 14, and a pivotally mounted foot 60, and non-skid pad 66 for contact with the floor.

Friedman, U.S. Patent No. 5,224,914

This reference is directed to an abdominal exercise device, also for use in a seated position. Referring to the Figures, the device 10 comprises a lap engagement board 22 connected by a wire framework 18 (having a pair of torsion springs 12) to a transverse bar 28 including a pair of handles 36.

Baburek, U.S. Design Patent No. Des. 292,474 and remaining Design Patents

This reference is directed to a physical exerciser and along with other Design Patents found in the search, are furnished since the devices resemble the present invention, but the present invention contains elements not seen in these Design Patents.

The remaining references cited above are all directed to other systems having one or more of the present invention's elements in common. However, none of them are probably any better than those previously discussed.

THE PRESENT INVENTION

The present invention provides a portable abdominal exercise machine for use in a seated position, on any standard chair or couch, while lying flat on the floor, or a variety

of other positions. Feedback may be provided in a visual as well as a physical form to allow a user to determine whether the device is properly being used and optimal results are being achieved while performing the exercises. In a preferred embodiment, the present invention comprises a semi-rigid member, an upper member and a lower member, with the semi-rigid member coupling to the upper and lower members. The upper and lower members comprise generally extending members and the semi-rigid member provides a range of bending force; whereby physical and visual feedback is provided when a proper crunch is performed.

THE CLAIMED INVENTION

Claim 1 recites an assembly for an abdominal exercise device that includes an upper member and a lower member having generally extending members. A semi-rigid member, which provides resistance via a bending force, is coupled to both the upper and lower member. Visual and physical feedback is provided when a predetermined abdominal exercise is performed.

The Boland patents disclosed an abdominal exercise device with cross bars which bear against the user's lap and chest and a bow support member 30 interconnecting the two, and a pair of handles connected by another support member. Resistance to movement of the handles relative the upper cross bar not is provided by the support member 30, but rather by a tension mechanism. Li discloses an exercise

device usable by a person sitting in a chair (Figure 7), the framework providing flexible resistance through force applied by the user. Adams '676 discloses an exercise device for use by persons seated in a chair, that engages the user's lap as a pivotal connection to a vertical support member connected to other members which engage the user's hands and arms, and help maintain proper posture in doing an abdominal crunch (see Figures 6, 7). Johnson '119 discloses an abdominal exercise device with a pivoting connection that engages the floor, and specifically states the desire to exercise the abdominals rather than the hip flexor muscles. Finally, Friedman '914 discloses an abdominal exercise device with a lap pad and handles connected by framework including a coil spring.

While several of these patents disclose elements found in the present invention, none disclose a bowed framework providing the resistance between the lower member engaging the user's lap and the upper member with handles for the user.

Independent Claim 27 is generally similar to independent Claim 1, but instead of having a single semi-rigid member, there can exist a plurality of semi-rigid members providing resistance via a bending force. Again, this is not true of the discovered art.

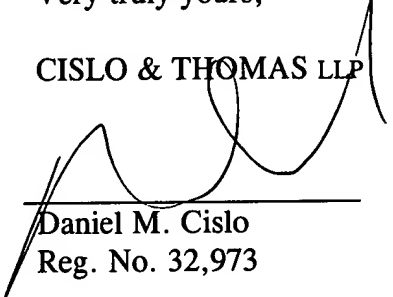
Independent Claim 31 is also generally similar to independent Claim 1, but instead of a semi-rigid member there exists a hinged rigid member and an elastic member that provides resistance via a bending force. Once again, this is not true of the

discovered art. Independent Claim 33 and independent Claim 34 are generally similar to independent Claims 1 and 31 respectively and are also not found in the prior art.

In view of the above, it is respectfully requested that the subject application be made special and examination be accelerated. It is not believed that any additional fees are due, however, in the event any additional fees are due, the Examiner is authorized to charge Applicants' Attorney's Deposit Account No. 03-2030.

Very truly yours,

CISLO & THOMAS LLP



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Enclosures

Information Disclosure Statement
Information Disclosure Citation
Copies of Patent References

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